

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Anne-Claude COUFFIN *et al.*

Serial No.: 10/596,578

Filed: June 16, 2006

For: ABSORBENT HYDROPHOBIC  
BORONATE GLACTOMANNAN  
COMPLEXES AND PROCESS FOR  
PRODUCING SAME

Group Art Unit: 3761

Examiner: Unknown

Atty. Dkt. No.: BRKP:025US

**CERTIFICATE OF ELECTRONIC TRANSMISSION  
37 C.F.R. § 1.8**

I hereby certify that this correspondence is being electronically filed  
with the United States Patent and Trademark Office via EFS-Web  
on the date below:

February 6, 2009  
Date

  
Charles P. Landrum

**PETITION UNDER 37 C.F.R. § 1.47(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby petition under 37 C.F.R. § 1.47(a) to prosecute the above-identified application for patent without the consent of one of the inventors. Inventor Mohammed Berrada has refused to sign the declaration under 37 C.F.R. § 1.63. The Declaration of Charles P. Landrum sets forth the evidence that Mohammed Berrada received the Declaration and refuses to sign the Declaration.

The most recent address that we have for the inventor, Mohammed Berrada is:

2381 Asselin

Longueuil, Québec J4M 2M5

CANADA

Pursuant to 37 C.F.R. § 1.17(g), the required fee in the amount of \$200.00 in connection with the filing of this paper is being charged to a credit card through EFS-Web concurrently with this submission. The Commissioner is hereby authorized to deduct any underpayment of fees or any additional fees required under 37 C.F.R. § 1.16 to 1.21 in connection with the filing of this paper from Fulbright & Jaworski Deposit Account No. 50-1212/BRKP:025US.

Respectfully submitted,



Charles P. Landrum  
Reg. No. 46,855  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: February 6, 2009

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Anne-Claude COUFFIN *et al.*

Serial No.: 10/596,578

Filed: June 16, 2006

For: ABSORBENT HYDROPHOBIC  
BORONATE GLACTOMANNAN  
COMPLEXES AND PROCESS FOR  
PRODUCING SAME

Group Art Unit: 3761

Examiner: Not Yet Assigned

Atty. Dkt. No.: BRKP:025US

**CERTIFICATE OF ELECTRONIC TRANSMISSION**  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being electronically filed  
with the United States Patent and Trademark Office via EFS-Web  
on the date below:

February 6, 2009  
Date

  
Charles P. Landrum

**DECLARATION OF CHARLES P. LANDRUM**

I, Charles P. Landrum, hereby declare as follows:

1. I am a patent attorney registered before the United States Patent and Trademark Office, Reg. No. 46,855.
2. I am one of the attorneys from Fulbright & Jaworski prosecuting U.S. Application No. 10/596,578.
3. I am submitting this declaration under 37 C.F.R. 1.47 to establish that one of the named inventors, Mohammed Berrada, has refused to sign the inventor declaration.
4. On July 28, 2006 a copy of the above-referenced application (including the specification, claims, and figures) was sent to Erwin Schultz, Ph.D., a Canadian patent agent

with BCF, LLP acting as the agent for Archer-Daniels-Midland Company, the Assignee for the present application.

5. Staff of Fulbright & Jaworski Austin office (project assistants Collin Evans, Jennifer Trumpler, and Richard Ortiz) sent a number of correspondence to Erwin Schultz, Ph.D. related to execution of the Declaration and Assignment documents, including transmitting the Declaration and Assignment for execution by all inventors and subsequent reminders for return of the executed Declaration and Assignment. Exhibit A-Exhibit O.

6. I spoke with Erwin Schultz, Ph.D. via telephone on February 5, 2009 wherein Erwin Schultz, Ph.D. told me that Mohammed Berrada refuses to sign the Declaration.

7. Richard Ortiz, a project assistant at Fulbright & Jaworski, sent Erwin Schultz an e-mail requesting the partially executed Declaration for submission in response to the Notification of Missing Requirements. Exhibit P.

8. Erwin Schultz sent Richard Ortiz an e-mail transmitting the Declaration executed by all inventors except Mohammed Berrada. He also confirmed that Mohammed Berrada refuses to execute Declaration and Assignment. Exhibit Q.

9. I hereby declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: February 6, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C.P. Landrum', written in a cursive style.

Charles P. Landrum  
Reg. No. 46,855  
Attorney for Applicants

## **EXHIBIT A**

## Evans, Collin

---

**From:** Evans, Collin  
**Sent:** Wednesday, September 27, 2006 12:31 PM  
**To:** 'Erwin.Schultz@bcf.ca'  
**Cc:** Krawzsenek, Michael  
**Subject:** Your Ref: 10660-065 SN 10/596,578 Our Ref: BRKP:025US - Transmittal letter.  
Assignment, Declaration & Power of Attorney - PLEASE CONFIRM SAFE RECEIPT OF THIS EMAIL



20060927115100.p  
df (348 KB)

20060927115100.pdf

# FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
600 CONGRESS AVENUE, SUITE 2400  
AUSTIN, TEXAS 78701-3271  
WWW.FULBRIGHT.COM

MKRAWZSENEK@FULBRIGHT.COM  
DIRECT DIAL: (512) 536-3020

TELEPHONE: (512) 474-5201  
FACSIMILE: (512) 536-4598

September 27, 2006

## VIA PDF EMAIL (eschultz@bcf.ca)

Erwin Schultz, Ph.D.  
BCF  
1100 René-Lévesque Blvd. West, 25th Floor  
Montréal, Québec H3B 5C9  
Canada

RE: *U.S. Patent Application No. 10/596,578 entitled "ABSORBENT HYDROPHOBIC BORONATE GLACTOMANNAN COMPLEXES AND PROCESS FOR PRODUCING SAME" by Anne-Claude COUFFIN et al.*  
*Our reference: BRKP:025US*  
*Client reference: 10660-065*  
***ACTION: SIGN AND RETURN***

Dear Erwin:

We have received from the U.S. Patent and Trademark Office a postcard indicating that the application identified above was received in the Patent Office on **June 16, 2006** and accorded tentative Serial No. **10/596,578**.

Please find enclosed for the inventors' signature and return a Declaration and Assignment corresponding to the above-referenced U.S. patent application. Please have them sign and date the Declaration where indicated. If their residential address or country of citizenship is incorrect, please have them cross through the incorrect information, insert the correct information, and initial and date each of their changes. Please note that if each change is not initialed and dated, the U.S. Patent Office will render the Declaration invalid. Please also have the inventors' sign and date the Assignment where indicated and have their signature notarized (or witnessed, if so indicated).

Also enclosed for signature is an Election Under Rule 37 C.F.R. §§ 3.71 and 3.73/Power of Attorney. Please have the appropriate person sign and date the Power of Attorney where indicated and return the executed document at your earliest convenience.

After all the documents have been reviewed and executed, please return the documents to our office at your earliest convenience.

25701342.1

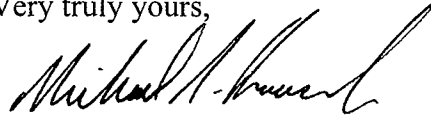
HOUSTON • NEW YORK • WASHINGTON DC • AUSTIN • DALLAS • LOS ANGELES • MINNEAPOLIS • SAN ANTONIO  
DUBAI • HONG KONG • LONDON • MUNICH • RIYADH



Erwin Schultz, Ph.D.  
September 27, 2006  
Page 2

Thank you for your continued assistance with this matter. If you have any questions or need further information, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael R. Krawzsenek". The signature is fluid and cursive, with a large, sweeping initial "M".

Michael R. Krawzsenek

MRK/cae  
Encl: as noted

cc: Erwin Schultz, Ph.D. (w/encl.)  
David D. Bahler, Esq. (w/o encl.)

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **ABSORBENT HYDROPHOBIC BORONATE GLACTOMANNAN COMPLEXES AND PROCESS FOR PRODUCING SAME**, the Specification of which:

- ☐ is attached hereto.  
☒ was filed on **June 16, 2006** as Application Serial No. **10/596,578**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 or 365(b) of any foreign application(s) for patent, United States provisional application(s), or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
PCT/CA2006/000772	WIPO	May 12, 2006	Yes
(Number)	(Country)	(Date Filed)	Yes/No
2,507,121	Canada	May 12, 2005	Yes
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to

disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application: NONE

(Application Serial No.)	(Filing Date)	(Status)
(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to Michael R. Krawzsenek, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Anne-Claude COUFFIN	
Inventor's Signature:		Date:
Country of Citizenship:	France	
Residence Address: (street, number, city, state, and/or country)	5716 St-Urbain Montréal, Québec H2T 2X3 CANADA	
Post Office Address: (if different from above)		

Inventor's Full Name:	Mohammed BERRADA	
Inventor's Signature:		Date:
Country of Citizenship:	Canada	
Residence Address: (street, number, city, state, and/or country)	2381 Asselin Longueuil, Québec J4M 2M5 CANADA	
Post Office Address: (if different from above)		

Inventor's Full Name:	André LAFOREST	
Inventor's Signature:		Date:
Country of Citizenship:	Canada	
Residence Address: (street, number, city, state, and/or country)	1048 Maisonneuve App.1 Longueuil, Québec J4K 5A1 CANADA	
Post Office Address: (if different from above)		

Inventor's Full Name:	Nicolas NOURRY	
Inventor's Signature:		Date:
Country of Citizenship:	Canada	
Residence Address: (street, number, city, state, and/or country)	454 Du Mimosa St-Amable, Québec J0L 1N0 CANADA	
Post Office Address: (if different from above)		

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to ARCHER-DANIELS-MIDLAND COMPANY (the "Assignee"), having a place of business at 75, J.-Armand Bombardier, Boucherville, Québec J4B 8P1, Canada, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. **10/596,578** which has been filed on **June 16, 2006** and is entitled **"ABSORBENT HYDROPHOBIC BORONATE GLACTOMANNAN COMPLEXES AND PROCESS FOR PRODUCING SAME,"** which is a national phase application under 35 U.S.C. § 371 of international application No. PCT/CA2006/000772 filed May 12, 2006, which claims priority to Canadian Application No. 2,507,121 filed May 12, 2005, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Anne-Claude COUFFIN

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 2006 personally appeared Anne-Claude COUFFIN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Witness

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Mohammed BERRADA

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 2006 personally appeared Mohammed BERRADA, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Witness

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: André LAFOREST

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 2006 personally appeared André LAFOREST, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Witness

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Nicolas NOURRY

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 2006 personally appeared Nicolas NOURRY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Witness

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Anne-Claude COUFFIN *et al.*

Serial No.: 10/596,578

Filed: June 16, 2006

For: ABSORBENT HYDROPHOBIC  
BORONATE GLACTOMANNAN  
COMPLEXES AND PROCESS FOR  
PRODUCING SAME

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: BRKP:025US

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73  
AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints all attorneys or agents associated with Customer Number **32425**, each of whom is an attorney or agent with the firm of FULBRIGHT & JAWORSKI L.L.P., as its attorney or agent, for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to ARCHER-DANIELS-MIDLAND COMPANY, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.



Please direct all communications as follows:

Michael R. Krawzsenek  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

ASSIGNEE:  
ARCHER-DANIELS-MIDLAND COMPANY

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ASSIGNMENT:

- ☒ Concurrently filed  
☐ Previously recorded

Date: \_\_\_\_\_  
Reel: \_\_\_\_\_  
Frames: \_\_\_\_\_

## **EXHIBIT B**

## Evans, Collin

---

**From:** Evans, Collin  
**Sent:** Thursday, January 11, 2007 3:30 PM  
**To:** 'Erwin.Schultz@bcf.ca'  
**Cc:** 'Irina.March@bcf.ca'; Krawzsenek, Michael  
**Subject:** FW: Your Ref: 10660-065 SN 10/596,578 Our Ref: BRKP:025US - Transmittal letter.  
Assignment, Declaration & Power of Attorney - PLEASE CONFIRM SAFE RECEIPT OF THIS EMAIL



20060927115100.p

df (348 KB)

i Erwin,

This is a friendly reminder regarding the return of executed documents for the above referenced matter. The formal documents (attached) were previously sent to your attention September 27, 2006. There is no impending deadline but we do anticipate receiving a Notification of Missing Requirements in the next few months.

Please feel free to contact me with any questions or concerns.

Thank you,  
Collin

Collin Evans  
Patent Prosecution Assistant  
Fulbright & Jaworski, L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 536-5644  
(512) 536-4598 fax  
cevens@fulbright.com

-----Original Message-----

**From:** Evans, Collin  
**Sent:** Wednesday, September 27, 2006 12:31 PM  
**To:** 'Erwin.Schultz@bcf.ca'  
**Cc:** Krawzsenek, Michael  
**Subject:** Your Ref: 10660-065 SN 10/596,578 Our Ref: BRKP:025US - Transmittal letter.  
Assignment, Declaration & Power of Attorney - PLEASE CONFIRM SAFE RECEIPT OF THIS EMAIL

20060927115100.pdf

## **EXHIBIT C**

## Evans, Collin

---

**From:** Evans, Collin  
**Sent:** Thursday, June 21, 2007 2:47 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'Irina.March@bcf.ca'; Krawzsenek, Michael  
**Subject:** FW: Your Ref: 10660-065 SN 10/596,578 Our Ref: BRKP:025US - Transmittal letter.  
Assignment, Declaration & Power of Attorney - PLEASE CONFIRM SAFE RECEIPT OF THIS EMAIL

**Attachments:** 20060927115100.pdf



20060927115100.p

df (348 KB)

i Erwin,

Please see my email below. Can you please update me on the status of the attached documents?

Thank you,  
Collin

-----Original Message-----

**From:** Evans, Collin  
**Sent:** Thursday, January 11, 2007 3:30 PM  
**To:** 'Erwin.Schultz@bcf.ca'  
**Cc:** 'Irina.March@bcf.ca'; Krawzsenek, Michael  
**Subject:** FW: Your Ref: 10660-065 SN 10/596,578 Our Ref: BRKP:025US - Transmittal letter.  
Assignment, Declaration & Power of Attorney - PLEASE CONFIRM SAFE RECEIPT OF THIS EMAIL

Hi Erwin,

This is a friendly reminder regarding the return of executed documents for the above referenced matter. The formal documents (attached) were previously sent to your attention September 27, 2006. There is no impending deadline but we do anticipate receiving a Notification of Missing Requirements in the next few months.

Please feel free to contact me with any questions or concerns.

Thank you,  
Collin

Collin Evans  
Patent Prosecution Assistant  
Fulbright & Jaworski, L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 536-5644  
(512) 536-4598 fax  
cevens@fulbright.com

-----Original Message-----

**From:** Evans, Collin  
**Sent:** Wednesday, September 27, 2006 12:31 PM  
**To:** 'Erwin.Schultz@bcf.ca'  
**Cc:** Krawzsenek, Michael  
**Subject:** Your Ref: 10660-065 SN 10/596,578 Our Ref: BRKP:025US - Transmittal letter.  
Assignment, Declaration & Power of Attorney - PLEASE CONFIRM SAFE RECEIPT OF THIS EMAIL

20060927115100.pdf

## **EXHIBIT D**

## Trumpler, Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Monday, July 21, 2008 10:14 AM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Bahler, David; Krawzsenek, Michael; 'Carole.Deraiche@bcf.ca'  
**Subject:** Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

**Attachments:** BRKP025USLetter.pdf

Dear Dr. Schultz,

Please find attached a letter forwarding a Notification of Missing Requirements for the above referenced application.

Please let us know if you have any questions.

Sincerely,

Jennifer S. Trumpler  
Paralegal  
Patent Prosecution Group  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Ave., Suite 2400  
Austin, TX 78701  
Telephone: 512.536.5616  
Fax: 512.536.4598  
E-Mail: jtrumpler@fulbright.com



BRKP025USLetter.p  
df (401 KB)

# FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
600 CONGRESS AVENUE, SUITE 2400  
AUSTIN, TEXAS 78701-2978  
WWW.FULBRIGHT.COM

MKRAWZSENEK@FULBRIGHT.COM  
DIRECT DIAL: (512) 536-3020

TELEPHONE: (512) 474-5201  
FACSIMILE: (512) 536-4598

July 21, 2008

**VIA PDF EMAIL (ESCHULTZ@BCF.CA)**

Erwin Schultz, Ph.D.  
BCF L.L.P.  
1100 René-Lévesque Blvd. West  
25th Floor  
Montréal, Québec H3B 5C9  
Canada

RE: *U.S. Patent Application No. 10/596,578 entitled "ABSORBENT HYDROPHOBIC BORONATE GLACTOMANNAN COMPLEXES AND PROCESS FOR PRODUCING SAME" by Anne-Claude Couffin et al.*  
*Our reference: BRKP:025US*  
*Client reference: 10660-065*  
**ACTION: SIGN AND RETURN**

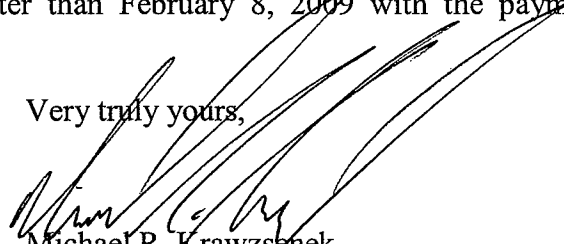
Dear Erwin:

We have now received from the United States Patent and Trademark Office a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached). The formal documents which were emailed to the your office on September 27, 2006, January 11, 2007, and June 21, 2007 (copies attached), are required by the U.S. Patent Office before:

**September 8, 2008.**

This date may be extended to no later than February 8, 2009 with the payment of extension fees.

Very truly yours,



Michael R. Krawzsenek

MRK/jst  
Attachments  
cc: David D. Bahler, Esq. (w/o encl.)





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/596,578	Anne-Claude Couffin	BRKP:025US/10607837
32425 FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. SUITE 2400 AUSTIN, TX 78701		INTERNATIONAL APPLICATION NO. PCT/CA2006/000772
		IA FILING DATE 05/12/2006
		PRIORITY DATE 05/12/2005

CONFIRMATION NO. 8020  
371 FORMALITIES LETTER



Date Mailed: 07/08/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Priority Document
- Copy of the International Application filed on 06/16/2006
- Preliminary Amendments filed on 06/16/2006
- Information Disclosure Statements filed on 06/21/2007
- Request for Immediate Examination filed on 06/16/2006
- U.S. Basic National Fees filed on 06/16/2006
- Priority Documents filed on 06/16/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$150** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$280** for a Large Entity:

- **\$130** Surcharge.

Total additional claim fee(s) for this application is **\$150**

- **\$150** for 3 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

LAMONT M HUNTER

---

Telephone: (703) 308-9140 EXT 201

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **ABSORBENT HYDROPHOBIC BORONATE GLACTOMANNAN COMPLEXES AND PROCESS FOR PRODUCING SAME**, the Specification of which:

- ☐ is attached hereto.  
☒ was filed on **June 16, 2006** as Application Serial No. **10/596,578**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 or 365(b) of any foreign application(s) for patent, United States provisional application(s), or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
PCT/CA2006/000772	WIPO	May 12, 2006	Yes
(Number)	(Country)	(Date Filed)	Yes/No
2,507,121	Canada	May 12, 2005	Yes
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to

disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application: NONE

(Application Serial No.)	(Filing Date)	(Status)
(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to Michael R. Krawzsenek, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Anne-Claude COUFFIN	
Inventor's Signature:		Date:
Country of Citizenship:	France	
Residence Address: (street, number, city, state, and/or country)	5716 St-Urbain Montréal, Québec H2T 2X3 CANADA	
Post Office Address: (if different from above)		

Inventor's Full Name:	Mohammed BERRADA	
Inventor's Signature:		Date:
Country of Citizenship:	Canada	
Residence Address: (street, number, city, state, and/or country)	2381 Asselin Longueuil, Québec J4M 2M5 CANADA	
Post Office Address: (if different from above)		

Inventor's Full Name:	André LAFOREST	
Inventor's Signature:		Date:
Country of Citizenship:	Canada	
Residence Address: (street, number, city, state, and/or country)	1048 Maisonneuve App.1 Longueuil, Québec J4K 5A1 CANADA	
Post Office Address: (if different from above)		

Inventor's Full Name:	Nicolas NOURRY	
Inventor's Signature:		Date:
Country of Citizenship:	Canada	
Residence Address: (street, number, city, state, and/or country)	454 Du Mimosa St-Amable, Québec J0L 1N0 CANADA	
Post Office Address: (if different from above)		

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to ARCHER-DANIELS-MIDLAND COMPANY (the "Assignee"), having a place of business at 75, J.-Armand Bombardier, Boucherville, Québec J4B 8P1, Canada, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. **10/596,578** which has been filed on **June 16, 2006** and is entitled **"ABSORBENT HYDROPHOBIC BORONATE GLACTOMANNAN COMPLEXES AND PROCESS FOR PRODUCING SAME,"** which is a national phase application under 35 U.S.C. § 371 of international application No. PCT/CA2006/000772 filed May 12, 2006, which claims priority to Canadian Application No. 2,507,121 filed May 12, 2005, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Anne-Claude COUFFIN

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 2008 personally appeared Anne-Claude COUFFIN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Witness

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Mohammed BERRADA

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 2008 personally appeared Mohammed BERRADA, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Witness

Signature: \_\_\_\_\_  
Name: André LAFOREST

Date: \_\_\_\_\_

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 2008 personally appeared André LAFOREST, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Witness

Signature: \_\_\_\_\_  
Name: Nicolas NOURRY

Date: \_\_\_\_\_

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, 2008 personally appeared Nicolas NOURRY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

\_\_\_\_\_  
Witness

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701



**POWER OF ATTORNEY  
AND  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

<b>Application Number:</b>	10/596,578
<b>Filing Date:</b>	June 16, 2006
<b>First Named Inventor:</b>	Anne-Claude Couffin
<b>Art Unit:</b>	Unknown
<b>Examiner Name:</b>	Unknown
<b>Attorney Docket Number:</b>	BRKP:025US

**I hereby revoke all previous powers of attorney given in the above-identified application.**

☐ A Power of Attorney is submitted herewith.

**OR**

☒ I hereby appoint the practitioners associated with the Customer Number: 32425

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with Customer Number: 32425

**OR**

☐ Firm or  
Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)*

**SIGNATURE OF APPLICANT OR ASSIGNEE OF RECORD**

Signature

Name

Title and Company

ARCHER-DANIELS-MIDLAND COMPANY

Telephone

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

## **EXHIBIT E**

## Trumpler, Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Wednesday, August 27, 2008 11:33 AM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Bahler, David; Krawzsenek, Michael; 'carole.deraiche@bcf.ca'  
**Subject:** FW: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

**Attachments:** BRKP025USLetter.pdf

Dear Dr. Schultz,

This is a friendly reminder that a Response to Missing Requirements is due on September 8, 2008. Please have the attached formal documents executed and returned before that date, if possible. The due date may be extended to February 8, 2009 if necessary.

Thank you for your assistance,

Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Monday, July 21, 2008 10:14 AM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Bahler, David; Krawzsenek, Michael; 'Carole.Deraiche@bcf.ca'  
**Subject:** Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

Please find attached a letter forwarding a Notification of Missing Requirements for the above referenced application.

Please let us know if you have any questions.

Sincerely,

Jennifer S. Trumpler  
Paralegal  
Patent Prosecution Group  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Ave., Suite 2400  
Austin, TX 78701  
Telephone: 512.536.5616  
Fax: 512.536.4598  
E-Mail: jtrumpler@fulbright.com



BRKP025USLetter.p  
df (401 KB)

## **EXHIBIT F**

Fax: 512.536.4598  
EMail: jtrumpler@fulbright.com

-----Original Message-----

From: Carole.Deraiche@bcf.ca [mailto:Carole.Deraiche@bcf.ca] On Behalf Of Erwin.Schultz@bcf.ca  
Sent: Monday, September 08, 2008 11:00 AM  
To: Trumpler, Jennifer  
Subject: RE: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Good morning Jennifer,

You will not be receiving as yet the formal documents. Please request usual extension.

Thank you,

Carole Deraiche  
Assistant to Erwin Schultz Ph.D.

-----Message d'origine-----

De : Trumpler, Jennifer [mailto:jtrumpler@fulbright.com] Envoyé : Friday, September 05, 2008 1:05 PM À : Schultz, Erwin  
Cc : Bahler, David; Krawzsenek, Michael; Deraiche, Carole Objet : FW: Your Ref.: 10660-065; Our Ref.: BRKP:025US;  
U.S. Application No. 10/596,578

Dear Dr. Schultz,

Please let us know whether we should expect to receive formal documents for this one for the response due on Monday. If necessary, we can take an extension.

Thank you,  
Jennifer

>  
> \_\_\_\_\_  
> From: Trumpler, Jennifer  
> Sent: Wednesday, August 27, 2008 11:33 AM  
> To: 'eschultz@bcf.ca'  
> Cc: Bahler, David; Krawzsenek, Michael; 'carole.deraiche@bcf.ca'  
> Subject: FW: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S.  
> Application No. 10/596,578

>  
> Dear Dr. Schultz,

>  
> This is a friendly reminder that a Response to Missing Requirements is  
> due on September 8, 2008. Please have the attached formal documents  
> executed and returned before that date, if possible. The due date may  
> be extended to February 8, 2009 if necessary.

>  
> Thank you for your assistance,

>  
> Jennifer

>  
> \_\_\_\_\_  
> From: Trumpler, Jennifer  
> Sent: Monday, July 21, 2008 10:14 AM  
> To: 'eschultz@bcf.ca'  
> Cc: Bahler, David; Krawzsenek, Michael; 'Carole.Deraiche@bcf.ca'  
> Subject: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S.  
> Application No. 10/596,578

>  
> Dear Dr. Schultz,

01/21/2009

## **EXHIBIT G**

**Subject:** FW: DUE DECEMBER 8, 2008; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

Further to our emails below, the next due date for a Response in the above referenced application is Monday, December 8, 2008. The final deadline is February 8, 2009.

Thank you for your assistance.

Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Wednesday, November 05, 2008 9:30 AM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Bahler, David; Krawzsenek, Michael  
**Subject:** DUE NOVEMBER 10, 2008; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

The next due date for a Response to Missing Requirements is Saturday, November 8, 2008. Therefore, we can file a Response by Monday, November 10, without incurring another extension of time. If possible, please return the executed formal documents before Monday. The final deadline is February 8, 2009.

Let us know if you would like to take another extension.

Thank you.

Sincerely,  
Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Friday, October 03, 2008 9:36 AM  
**To:** 'Erwin.Schultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Bahler, David; Krawzsenek, Michael  
**Subject:** RE: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

This is a friendly reminder that a Response to Missing Requirements is due on October 8, 2008 with a one month extension. Please have the attached formal documents executed and returned before that date, if possible. The due date may be extended to February 8, 2009 if necessary.

Thank you for your assistance,

Jennifer

Jennifer S. Trumpler  
Paralegal  
Patent Prosecution Group  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Ave., Suite 2400  
Austin, TX 78701  
Telephone: 512.536.5616

01/21/2009

## **EXHIBIT H**



**Subject:** FW: DUE DECEMBER 8, 2008; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

Further to our emails below, the next due date for a Response in the above referenced application is Monday, December 8, 2008. The final deadline is February 8, 2009.

Thank you for your assistance.

Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Wednesday, November 05, 2008 9:30 AM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Bahler, David; Krawzsenek, Michael  
**Subject:** DUE NOVEMBER 10, 2008; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

The next due date for a Response to Missing Requirements is Saturday, November 8, 2008. Therefore, we can file a Response by Monday, November 10, without incurring another extension of time. If possible, please return the executed formal documents before Monday. The final deadline is February 8, 2009.

Let us know if you would like to take another extension.

Thank you.

Sincerely,  
Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Friday, October 03, 2008 9:36 AM  
**To:** 'Erwin.Schultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Bahler, David; Krawzsenek, Michael  
**Subject:** RE: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

This is a friendly reminder that a Response to Missing Requirements is due on October 8, 2008 with a one month extension. Please have the attached formal documents executed and returned before that date, if possible. The due date may be extended to February 8, 2009 if necessary.

Thank you for your assistance,

Jennifer

Jennifer S. Trumpler  
Paralegal  
Patent Prosecution Group  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Ave., Suite 2400  
Austin, TX 78701  
Telephone: 512.536.5616

01/21/2009

## **EXHIBIT I**

**Ortiz, Richard**

**From:** Trumpler, Jennifer  
**Sent:** Wednesday, November 26, 2008 4:07 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Krawzsenek, Michael  
**Subject:** FW: DUE DECEMBER 8, 2008; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578  
**Attachments:** BRKP025USLetter.pdf

Dear Dr. Schultz,

Further to our emails below, the next due date for a Response in the above referenced application is Monday, December 8, 2008. The final deadline is February 8, 2009.

Thank you for your assistance.

Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Wednesday, November 05, 2008 9:30 AM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Bahler, David; Krawzsenek, Michael  
**Subject:** DUE NOVEMBER 10, 2008; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

The next due date for a Response to Missing Requirements is Saturday, November 8, 2008. Therefore, we can file a Response by Monday, November 10, without incurring another extension of time. If possible, please return the executed formal documents before Monday. The final deadline is February 8, 2009.

Let us know if you would like to take another extension.

Thank you.

Sincerely,  
Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Friday, October 03, 2008 9:36 AM  
**To:** 'Erwin.Schultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Bahler, David; Krawzsenek, Michael  
**Subject:** RE: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

This is a friendly reminder that a Response to Missing Requirements is due on October 8, 2008 with a one month extension. Please have the attached formal documents executed and returned before that date, if possible. The due date may be extended to February 8, 2009 if necessary.

02/06/2009

Thank you for your assistance,

Jennifer

Jennifer S. Trumpler  
Paralegal  
Patent Prosecution Group  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Ave., Suite 2400  
Austin, TX 78701  
Telephone: 512.536.5616  
Fax: 512.536.4598  
EMail: jtrumpler@fulbright.com

-----Original Message-----

From: Carole.Deraiche@bcf.ca [mailto:Carole.Deraiche@bcf.ca] On Behalf Of Erwin.Schultz@bcf.ca  
Sent: Monday, September 08, 2008 11:00 AM  
To: Trumpler, Jennifer  
Subject: RE: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Good morning Jennifer,

You will not be receiving as yet the formal documents. Please request usual extension.

Thank you,

Carole Deraiche  
Assistant to Erwin Schultz Ph.D.

-----Message d'origine-----

De : Trumpler, Jennifer [mailto:jtrumpler@fulbright.com] Envoyé : Friday, September 05, 2008 1:05 PM À : Schultz, Erwin  
Cc : Bahler, David; Krawzsenek, Michael; Deraiche, Carole Objet : FW: Your Ref.: 10660-065; Our Ref.: BRKP:025US;  
U.S. Application No. 10/596,578

Dear Dr. Schultz,

Please let us know whether we should expect to receive formal documents for this one for the response due on Monday. If necessary, we can take an extension.

Thank you,  
Jennifer

>

> From: Trumpler, Jennifer  
> Sent: Wednesday, August 27, 2008 11:33 AM  
> To: 'eschultz@bcf.ca'  
> Cc: Bahler, David; Krawzsenek, Michael; 'carole.deraiche@bcf.ca'  
> Subject: FW: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S.  
> Application No. 10/596,578

>

> Dear Dr. Schultz,

>

> This is a friendly reminder that a Response to Missing Requirements is  
> due on September 8, 2008. Please have the attached formal documents  
> executed and returned before that date, if possible. The due date may  
> be extended to February 8, 2009 if necessary.

>

> Thank you for your assistance,

>

02/06/2009

> Jennifer

>  
>

---

> From: Trumpler, Jennifer  
> Sent: Monday, July 21, 2008 10:14 AM  
> To: 'eschultz@bcf.ca'  
> Cc: Bahler, David; Krawzsenek, Michael; 'Carole.Deraiche@bcf.ca'  
> Subject: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S.  
> Application No. 10/596,578

>  
> Dear Dr. Schultz,

>  
> Please find attached a letter forwarding a Notification of Missing  
> Requirements for the above referenced application.

>  
> Please let us know if you have any questions.

>  
> Sincerely,

>  
> Jennifer S. Trumpler  
> Paralegal  
> Patent Prosecution Group  
> FULBRIGHT & JAWORSKI L.L.P.  
> 600 Congress Ave., Suite 2400  
> Austin, TX 78701  
> Telephone: 512.536.5616  
> Fax: 512.536.4598  
> E-Mail: jtrumpler@fulbright.com  
> <<BRKP025USLetter.pdf>>

## **EXHIBIT J**

**Ortiz, Richard**

**From:** Trumpler, Jennifer  
**Sent:** Friday, January 02, 2009 4:42 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Krawzsenek, Michael  
**Subject:** DUE JANUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578  
**Attachments:** BRKP025USLetter.pdf

Dear Dr. Schultz,

This is another reminder that a Response is due in this application on Thursday, January 8, 2009. **The final deadline to respond is February 8, 2009 or the application will go abandoned.** Please return the executed Declaration before the next deadline if possible. We will only have one more month extension after Thursday.

Thank you.

Sincerely,

Jennifer S. Trumpler, J.D.  
Paralegal  
Patent Prosecution Group  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Ave., Suite 2400  
Austin, TX 78701  
Telephone: 512.536.5616  
Fax: 512.536.4598  
Email: jtrumpler@fulbright.com

---

**From:** Trumpler, Jennifer  
**Sent:** Wednesday, November 26, 2008 4:07 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Krawzsenek, Michael  
**Subject:** FW: DUE DECEMBER 8, 2008; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

Further to our emails below, the next due date for a Response in the above referenced application is Monday, December 8, 2008. The final deadline is February 8, 2009.

Thank you for your assistance.

Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Wednesday, November 05, 2008 9:30 AM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Bahler, David; Krawzsenek, Michael

02/06/2009

**Subject:** DUE NOVEMBER 10, 2008; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

The next due date for a Response to Missing Requirements is Saturday, November 8, 2008. Therefore, we can file a Response by Monday, November 10, without incurring another extension of time. If possible, please return the executed formal documents before Monday. The final deadline is February 8, 2009.

Let us know if you would like to take another extension.

Thank you.

Sincerely,  
Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Friday, October 03, 2008 9:36 AM  
**To:** 'Erwin.Schultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Bahler, David; Krawzsenek, Michael  
**Subject:** RE: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

This is a friendly reminder that a Response to Missing Requirements is due on October 8, 2008 with a one month extension. Please have the attached formal documents executed and returned before that date, if possible. The due date may be extended to February 8, 2009 if necessary.

Thank you for your assistance,

Jennifer

Jennifer S. Trumpler  
Paralegal  
Patent Prosecution Group  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Ave., Suite 2400  
Austin, TX 78701  
Telephone: 512.536.5616  
Fax: 512.536.4598  
EMail: jtrumpler@fulbright.com

-----Original Message-----

From: Carole.Deraiche@bcf.ca [mailto:Carole.Deraiche@bcf.ca] On Behalf Of Erwin.Schultz@bcf.ca  
Sent: Monday, September 08, 2008 11:00 AM  
To: Trumpler, Jennifer  
Subject: RE: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Good morning Jennifer,

You will not be receiving as yet the formal documents. Please request usual extension.

Thank you,

Carole Deraiche  
Assistant to Erwin Schultz Ph.D.

02/06/2009



-----Message d'origine-----

De : Trumpler, Jennifer [<mailto:jtrumpler@fulbright.com>] Envoyé : Friday, September 05, 2008 1:05 PM À : Schultz, Erwin  
Cc : Bahler, David; Krawzsenek, Michael; Deraiche, Carole Objet : FW: Your Ref.: 10660-065; Our Ref.: BRKP:025US;  
U.S. Application No. 10/596,578

Dear Dr. Schultz,

Please let us know whether we should expect to receive formal documents for this one for the response due on Monday. If necessary, we can take an extension.

Thank you,  
Jennifer

>  
> \_\_\_\_\_  
> From: Trumpler, Jennifer  
> Sent: Wednesday, August 27, 2008 11:33 AM  
> To: 'eschultz@bcf.ca'  
> Cc: Bahler, David; Krawzsenek, Michael; 'carole.deraiche@bcf.ca'  
> Subject: FW: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S.  
> Application No. 10/596,578

>  
> Dear Dr. Schultz,  
>  
> This is a friendly reminder that a Response to Missing Requirements is  
> due on September 8, 2008. Please have the attached formal documents  
> executed and returned before that date, if possible. The due date may  
> be extended to February 8, 2009 if necessary.

>  
> Thank you for your assistance,  
>  
> Jennifer

>  
> \_\_\_\_\_  
> From: Trumpler, Jennifer  
> Sent: Monday, July 21, 2008 10:14 AM  
> To: 'eschultz@bcf.ca'  
> Cc: Bahler, David; Krawzsenek, Michael; 'Carole.Deraiche@bcf.ca'  
> Subject: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S.  
> Application No. 10/596,578

>  
> Dear Dr. Schultz,  
>  
> Please find attached a letter forwarding a Notification of Missing  
> Requirements for the above referenced application.

>  
> Please let us know if you have any questions.

>  
> Sincerely,

>  
> Jennifer S. Trumpler  
> Paralegal  
> Patent Prosecution Group  
> FULBRIGHT & JAWORSKI L.L.P.  
> 600 Congress Ave., Suite 2400  
> Austin, TX 78701  
> Telephone: 512.536.5616  
> Fax: 512.536.4598  
> E-Mail: [jtrumpler@fulbright.com](mailto:jtrumpler@fulbright.com)  
> <<BRKP025USLetter.pdf>>

02/06/2009

## **EXHIBIT K**

## Ortiz, Richard

**From:** Trumpler, Jennifer  
**Sent:** Friday, January 09, 2009 10:33 AM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Krawzsenek, Michael; 'carole.deraiche@bcf.ca'; Bahler, David  
**Subject:** FINAL DEADLINE FEBRUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578  
**Attachments:** BRKP025USLetter.pdf

Dear Dr. Schultz,

We are still awaiting formal documents for the above referenced application. I will send weekly reminders as we approach the **FINAL DEADLINE** to respond to the Notification of Missing Requirements. Please let us know if we are proceeding in this application and if so, return the executed Declaration before **February 8, 2009**.

Thank you for your assistance,  
Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Friday, January 02, 2009 4:42 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Krawzsenek, Michael  
**Subject:** DUE JANUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

This is another reminder that a Response is due in this application on Thursday, January 8, 2009. **The final deadline to respond is February 8, 2009 or the application will go abandoned.** Please return the executed Declaration before the next deadline if possible. We will only have one more month extension after Thursday.

Thank you.

Sincerely,

Jennifer S. Trumpler, J.D.  
Paralegal  
Patent Prosecution Group  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Ave., Suite 2400  
Austin, TX 78701  
Telephone: 512.536.5616  
Fax: 512.536.4598  
Email: jtrumpler@fulbright.com

---

**From:** Trumpler, Jennifer  
**Sent:** Wednesday, November 26, 2008 4:07 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Krawzsenek, Michael  
**Subject:** FW: DUE DECEMBER 8, 2008; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No.

02/06/2009

10/596,578

Dear Dr. Schultz,

Further to our emails below, the next due date for a Response in the above referenced application is Monday, December 8, 2008. The final deadline is February 8, 2009.

Thank you for your assistance.

Jennifer

---

**From:** Trumpler, Jennifer

**Sent:** Wednesday, November 05, 2008 9:30 AM

**To:** 'eschultz@bcf.ca'

**Cc:** 'carole.deraiche@bcf.ca'; Bahler, David; Krawzsenek, Michael

**Subject:** DUE NOVEMBER 10, 2008; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

The next due date for a Response to Missing Requirements is Saturday, November 8, 2008. Therefore, we can file a Response by Monday, November 10, without incurring another extension of time. If possible, please return the executed formal documents before Monday. The final deadline is February 8, 2009.

Let us know if you would like to take another extension.

Thank you.

Sincerely,  
Jennifer

---

**From:** Trumpler, Jennifer

**Sent:** Friday, October 03, 2008 9:36 AM

**To:** 'Erwin.Schultz@bcf.ca'

**Cc:** 'carole.deraiche@bcf.ca'; Bahler, David; Krawzsenek, Michael

**Subject:** RE: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

This is a friendly reminder that a Response to Missing Requirements is due on October 8, 2008 with a one month extension. Please have the attached formal documents executed and returned before that date, if possible. The due date may be extended to February 8, 2009 if necessary.

Thank you for your assistance,

Jennifer

Jennifer S. Trumpler  
Paralegal

Patent Prosecution Group

FULBRIGHT & JAWORSKI L.L.P.

600 Congress Ave., Suite 2400

Austin, TX 78701

Telephone: 512.536.5616

Fax: 512.536.4598

02/06/2009

Email: [jtrumpler@fulbright.com](mailto:jtrumpler@fulbright.com)

-----Original Message-----

From: Carole.Deraiche@bcf.ca [<mailto:Carole.Deraiche@bcf.ca>] On Behalf Of Erwin.Schultz@bcf.ca

Sent: Monday, September 08, 2008 11:00 AM

To: Trumpler, Jennifer

Subject: RE: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Good morning Jennifer,

You will not be receiving as yet the formal documents. Please request usual extension.

Thank you,

Carole Deraiche

Assistant to Erwin Schultz Ph.D.

-----Message d'origine-----

De : Trumpler, Jennifer [<mailto:jtrumpler@fulbright.com>] Envoyé : Friday, September 05, 2008 1:05 PM À : Schultz, Erwin

Cc : Bahler, David; Krawzsenek, Michael; Deraiche, Carole Objet : FW: Your Ref.: 10660-065; Our Ref.: BRKP:025US;

U.S. Application No. 10/596,578

Dear Dr. Schultz,

Please let us know whether we should expect to receive formal documents for this one for the response due on Monday. If necessary, we can take an extension.

Thank you,  
Jennifer

>

> From: Trumpler, Jennifer

> Sent: Wednesday, August 27, 2008 11:33 AM

> To: 'eschultz@bcf.ca'

> Cc: Bahler, David; Krawzsenek, Michael; 'carole.deraiche@bcf.ca'

> Subject: FW: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S.

> Application No. 10/596,578

>

> Dear Dr. Schultz,

>

> This is a friendly reminder that a Response to Missing Requirements is

> due on September 8, 2008. Please have the attached formal documents

> executed and returned before that date, if possible. The due date may

> be extended to February 8, 2009 if necessary.

>

> Thank you for your assistance,

>

> Jennifer

>

>

> From: Trumpler, Jennifer

> Sent: Monday, July 21, 2008 10:14 AM

> To: 'eschultz@bcf.ca'

> Cc: Bahler, David; Krawzsenek, Michael; 'Carole.Deraiche@bcf.ca'

> Subject: Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S.

> Application No. 10/596,578

>

> Dear Dr. Schultz,

>

02/06/2009

> Please find attached a letter forwarding a Notification of Missing  
> Requirements for the above referenced application.

>

> Please let us know if you have any questions.

>

> Sincerely,

>

> Jennifer S. Trumpler

> Paralegal

> Patent Prosecution Group

> FULBRIGHT & JAWORSKI L.L.P.

> 600 Congress Ave., Suite 2400

> Austin, TX 78701

> Telephone: 512.536.5616

> Fax: 512.536.4598

> E-Mail: [jtrumpler@fulbright.com](mailto:jtrumpler@fulbright.com)

> <<BRKP025USLetter.pdf>>

## **EXHIBIT L**

**Ortiz, Richard**

---

**From:** Trumpler, Jennifer  
**Sent:** Wednesday, January 21, 2009 1:42 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Krawzsenek, Michael; 'carole.deraiche@bcf.ca'; Bahler, David  
**Subject:** FW: FINAL DEADLINE FEBRUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578  
**Attachments:** BRKP025USLetter.pdf

Dear Dr. Schultz,

The final deadline to respond to the Notification of Missing Requirements is FEBRUARY 8, 2009. Please return to the executed Declaration if we are to proceed in this application.

Thank you,

Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Friday, January 09, 2009 10:33 AM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Krawzsenek, Michael; 'carole.deraiche@bcf.ca'; Bahler, David  
**Subject:** FINAL DEADLINE FEBRUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

We are still awaiting formal documents for the above referenced application. I will send weekly reminders as we approach the **FINAL DEADLINE** to respond to the Notification of Missing Requirements. Please let us know if we are proceeding in this application and if so, return the executed Declaration before **February 8, 2009**.

Thank you for your assistance,  
Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Friday, January 02, 2009 4:42 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Krawzsenek, Michael  
**Subject:** DUE JANUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

This is another reminder that a Response is due in this application on Thursday, January 8, 2009. **The final deadline to respond is February 8, 2009 or the application will go abandoned.** Please return the executed Declaration before the next deadline if possible. We will only have one more month extension after Thursday.

Thank you.

Sincerely,

02/06/2009



Jennifer S. Trumpler, J.D.  
Paralegal  
Patent Prosecution Group  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Ave., Suite 2400  
Austin, TX 78701  
Telephone: 512.536.5616  
Fax: 512.536.4598  
Email: [jtrumpler@fulbright.com](mailto:jtrumpler@fulbright.com)

---

## **EXHIBIT M**

**Ortiz, Richard**

**From:** Trumpler, Jennifer  
**Sent:** Tuesday, January 27, 2009 3:55 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Krawzsenek, Michael; 'carole.deraiche@bcf.ca'; Bahler, David  
**Subject:** FW: FINAL DEADLINE FEBRUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578  
**Attachments:** BRKP025USLetter.pdf

Dear Dr. Schultz,

This is another reminder that the **FINAL DEADLINE** to respond to the Notification of Missing Requirements is **February 8, 2009**. **If we do not provide an executed declaration by that date, the application will become abandoned.** Please let us know if your client would like to pursue this application.

Thank you for your assistance.

Sincerely,

Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Wednesday, January 21, 2009 1:42 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Krawzsenek, Michael; 'carole.deraiche@bcf.ca'; Bahler, David  
**Subject:** FW: FINAL DEADLINE FEBRUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

The final deadline to respond to the Notification of Missing Requirements is FEBRUARY 8, 2009. Please return to the executed Declaration if we are to proceed in this application.

Thank you,

Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Friday, January 09, 2009 10:33 AM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Krawzsenek, Michael; 'carole.deraiche@bcf.ca'; Bahler, David  
**Subject:** FINAL DEADLINE FEBRUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

We are still awaiting formal documents for the above referenced application. I will send weekly reminders as we approach the **FINAL DEADLINE** to respond to the Notification of Missing Requirements. Please let us know if we are proceeding in this application and if so, return the executed Declaration before **February 8, 2009**.

02/06/2009

Thank you for your assistance,  
Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Friday, January 02, 2009 4:42 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Krawzsenek, Michael  
**Subject:** DUE JANUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

This is another reminder that a Response is due in this application on Thursday, January 8, 2009. **The final deadline to respond is February 8, 2009 or the application will go abandoned.** Please return the executed Declaration before the next deadline if possible. We will only have one more month extension after Thursday.

Thank you.

Sincerely,

Jennifer S. Trumpler, J.D.  
Paralegal  
Patent Prosecution Group  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Ave., Suite 2400  
Austin, TX 78701  
Telephone: 512.536.5616  
Fax: 512.536.4598  
Email: jtrumpler@fulbright.com

02/06/2009

## **EXHIBIT N**

**Trumpler, Jennifer**

---

**From:** Krawzsenek, Michael  
**Sent:** Thursday, January 29, 2009 12:59 PM  
**To:** Friedrich, Sandra  
**Cc:** Austin Docketing - Patent; Trumpler, Jennifer; Landrum, Charles  
**Subject:** FW: FINAL DEADLINE FEBRUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578  
**Attachments:** BRKP025USLetter.pdf  
**Filed:** 0

Sandra,

Plan on filing a continuation on February 9. This is a drop dead date. Note we have to pay extension fees for Missing Parts Notice.

Jennifer, I spoke with Erwin and he is having trouble getting the inventor to sign. If he can get signature, then he will email you the docs for filing next week. If not, then we will have to do a petition and say inventor refuses to sign. The deadline is February 9, because Feb 8 falls on Sunday. If possible, I would like to have the petition and missing parts filed by Friday.

Mike

---

**From:** Trumpler, Jennifer  
**Sent:** Tuesday, January 27, 2009 3:55 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Krawzsenek, Michael; 'carole.deraiche@bcf.ca'; Bahler, David  
**Subject:** FW: FINAL DEADLINE FEBRUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

This is another reminder that the **FINAL DEADLINE** to respond to the Notification of Missing Requirements is **February 8, 2009**. **If we do not provide an executed declaration by that date, the application will become abandoned.** Please let us know if your client would like to pursue this application.

Thank you for your assistance.

Sincerely,

Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Wednesday, January 21, 2009 1:42 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Krawzsenek, Michael; 'carole.deraiche@bcf.ca'; Bahler, David  
**Subject:** FW: FINAL DEADLINE FEBRUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

01/29/2009

The final deadline to respond to the Notification of Missing Requirements is FEBRUARY 8, 2009. Please return to the executed Declaration if we are to proceed in this application.

Thank you,

Jennifer

---

**From:** Trumpler, Jennifer

**Sent:** Friday, January 09, 2009 10:33 AM

**To:** 'eschultz@bcf.ca'

**Cc:** Krawzsenek, Michael; 'carole.deraiche@bcf.ca'; Bahler, David

**Subject:** FINAL DEADLINE FEBRUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

We are still awaiting formal documents for the above referenced application. I will send weekly reminders as we approach the **FINAL DEADLINE** to respond to the Notification of Missing Requirements. Please let us know if we are proceeding in this application and if so, return the executed Declaration before **February 8, 2009**.

Thank you for your assistance,  
Jennifer

---

**From:** Trumpler, Jennifer

**Sent:** Friday, January 02, 2009 4:42 PM

**To:** 'eschultz@bcf.ca'

**Cc:** 'carole.deraiche@bcf.ca'; Krawzsenek, Michael

**Subject:** DUE JANUARY 8, 2009; Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

This is another reminder that a Response is due in this application on Thursday, January 8, 2009. **The final deadline to respond is February 8, 2009 or the application will go abandoned.** Please return the executed Declaration before the next deadline if possible. We will only have one more month extension after Thursday.

Thank you.

Sincerely,

Jennifer S. Trumpler, J.D.  
Paralegal  
Patent Prosecution Group  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Ave., Suite 2400  
Austin, TX 78701  
Telephone: 512.536.5616  
Fax: 512.536.4598  
Email: jtrumpler@fulbright.com

---

01/29/2009

## **EXHIBIT O**



## Trumpler, Jennifer

---

**From:** Trumpler, Jennifer  
**Sent:** Thursday, January 29, 2009 2:11 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Krawzsenek, Michael; 'carole.deraiche@bcf.ca'; Friedrich, Sandra; Landrum, Charles  
**Subject:** Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

**Filed:** -1  
**NRTID:** !nrtdms:0:!session:US\_DMS:!database:US2006:!document:65270073,1:

Dear Dr. Schultz,

Mike Krawzsenek indicated you were having difficulty getting the Declaration executed for the above referenced application. The final deadline to respond to the Notification of Missing Requirements is February 9, 2009 (because February 8 falls on a Sunday). I believe Mike mentioned to you that if we have an inventor who is unavailable or refuses to sign, we will need to file a petition.

Along with the petition and a fee, the U.S. Patent Office requires we show our diligent effort in contacting the refusing inventor. Please provide copies of any letters or emails sent to the inventor(s) who have not signed the Declaration.

We also need to list the refusing inventor's last known address, which I assume is the address listed on the Declaration.

In addition, if any inventors have signed the Declaration, we will need them to also sign on behalf of the refusing inventor(s). If all the inventors refuse to sign, we will need a representative of Archer-Daniels-Midland Company to execute a Declaration on their behalf. Once I know the exact situation (one, some or all inventors refusing to sign), I can prepare the necessary documents.

Hopefully you will have success in getting all the inventors' signatures but I just wanted to be prepared in the event we have a non-signing inventor.

Thank you for your assistance.

Sincerely,

**Jennifer S. Trumpler, Paralegal**

**FULBRIGHT & Jaworski L.L.P.** • 600 Congress Avenue, Suite 2400 • Austin, Texas 78701-2978  
T: 512 536 5616 • F: 512 536 4598 • [jtrumpler@fulbright.com](mailto:jtrumpler@fulbright.com) • [www.fulbright.com](http://www.fulbright.com)

## **EXHIBIT P**

## Ortiz, Richard

---

**From:** Ortiz, Richard  
**Sent:** Thursday, February 05, 2009 10:44 AM  
**To:** 'eschultz@bcf.ca'  
**Cc:** 'carole.deraiche@bcf.ca'; Krawzsenek, Michael; Friedrich, Sandra; Landrum, Charles; Trumpler, Jennifer; Ortiz, Richard  
**Subject:** Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578 - Status of Declaration Inquiry

Dear Dr. Schultz,

I write on behalf of Jennifer Trumpler who is out of the office today. I write to inquire on the status of the Declaration for submission in response to the final deadline for the Notification of Missing Requirements from the USPTO in the above-referenced application number.

As requested below, would you be so kind as to provide us with an update on the status of the Declaration so we may begin to prepare all necessary documents for submission along with the response to the Notification of Missing Requirements?

As previously stated by Jennifer Trumpler in her e-mail of January 29, 2009 (below), we have several options by which to act on this matter dependant upon the situation of the Declaration.

Thank you for your time and attention on this matter. We eagerly await you response.

Have a great day!

**Richard Ortiz**, *Project Assistant*

**FULBRIGHT & Jaworski L.L.P.** • 600 Congress Avenue, Suite 2400 • Austin, Texas 78701-2978  
T: 512 536 3067 • F: 512 536 4598 • [rortiz@fulbright.com](mailto:rortiz@fulbright.com) • [www.fulbright.com](http://www.fulbright.com)

This email message and any attachments are for the sole use of the intended recipient(s) and contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message and any attachments.

---

**From:** Trumpler, Jennifer  
**Sent:** Thursday, January 29, 2009 2:11 PM  
**To:** 'eschultz@bcf.ca'  
**Cc:** Krawzsenek, Michael; 'carole.deraiche@bcf.ca'; Friedrich, Sandra; Landrum, Charles  
**Subject:** Your Ref.: 10660-065; Our Ref.: BRKP:025US; U.S. Application No. 10/596,578

Dear Dr. Schultz,

Mike Krawzsenek indicated you were having difficulty getting the Declaration executed for the above referenced application. The final deadline to respond to the Notification of Missing Requirements is February 9, 2009 (because February 8 falls on a Sunday). I believe Mike mentioned to you that if we have an inventor who is unavailable or refuses to sign, we will need to file a petition.

Along with the petition and a fee, the U.S. Patent Office requires we show our diligent effort in contacting the refusing inventor. Please provide copies of any letters or emails sent to the inventor(s) who have not signed the Declaration.

We also need to list the refusing inventor's last known address, which I assume is the address listed on the Declaration.

In addition, if any inventors have signed the Declaration, we will need them to also sign on behalf of the refusing inventor(s). If all the inventors refuse to sign, we will need a representative of Archer-Daniels-Midland Company to execute a Declaration on their behalf. Once I know the exact situation (one, some or all inventors refusing to sign), I can prepare the necessary documents.

Hopefully you will have success in getting all the inventors' signatures but I just wanted to be prepared in the event we

have a non-signing inventor.

Thank you for your assistance.

Sincerely,

**Jennifer S. Trumpler, Paralegal**

**FULBRIGHT & Jaworski L.L.P.** • 600 Congress Avenue, Suite 2400 • Austin, Texas 78701-2978

T: 512 536 5616 • F: 512 536 4598 • [jtrumpler@fulbright.com](mailto:jtrumpler@fulbright.com) • [www.fulbright.com](http://www.fulbright.com)

## **EXHIBIT Q**

## Ortiz, Richard

**From:** Erwin.Schultz@bcf.ca  
**Sent:** Friday, February 06, 2009 11:16 AM  
**To:** Krawzsenek, Michael; Landrum, Charles; Ortiz, Richard  
**Cc:** Friedrich, Sandra; Agnes.Maudemain@bcf.ca  
**Subject:** Our Docket: 10660-065 (Your Docket: BRKP:025US)  
**Attachments:** 090206 10660-065 Missing Requirements - Berrada.PDF

Dear Richard,

Please find enclosed a copy of the *Missing Parts* regarding the above-referenced case that we were able to complete. Please note that inventor Mohammed Berrada has refused to sign all documents required from him. Please note that this is a problem that will in all likelihood be reoccurring in all of the currently pending applications in which he is named as an inventor.

The enclosed Declaration and Assignment have been executed by the remaining three named inventors. I have attached a Universal Assignment that was signed by Mr. Berrada with respect to corresponding Canadian priority application.

Regarding your request for copies and emails send to the inventor, please note that I only correspond with the client and have no direct contact with the inventors.

Please file a suitable response to the Missing Requirements by the due date of **February 8, 2009**.

Please give me a call should you have any questions or should further information be required.

Best regards,

Erwin

---

Erwin Schultz, Ph. D.

**BCF** s.e.n.c.r.l. / LLP

AVOCATS, AGENTS DE BREVETS ET MARQUES /  
LAWYERS, PATENT & TRADE MARK AGENTS  
1100, boul. René-Lévesque Ouest, 25e étage / 1100 René-Levesque Blvd. West, 25th Floor  
Montréal (Québec) H3B 5C9  
Tél / Tel : (514) 397-6717  
Télécopie / Fax : (514) 397-8515  
www.bcf.ca

Membre de / Member of MERITAS, présence juridique mondiale / Law Firms Worldwide

Avant d'imprimer ce courriel, pensez à l'environnement.  
Please consider the environment before printing this e-mail.

*Avis : Ce message est confidentiel et protégé par le secret professionnel. Si vous n'êtes pas le destinataire, veuillez informer*  
*Notice: This message is confidential and privileged. If you are not the addressee, please inform the sender by return e-*

02/06/2009

*l'expéditeur par courriel  
immédiatement et effacer ce  
message et en détruire toute  
copie.*

*mail immediately and delete this  
message and destroy all copies.*

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **ABSORBENT HYDROPHOBIC BORONATE GLACTOMANNAN COMPLEXES AND PROCESS FOR PRODUCING SAME**, the Specification of which:

- ☐ is attached hereto.  
☒ was filed on **June 16, 2006** as Application Serial No. **10/596,578**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 or 365(b) of any foreign application(s) for patent, United States provisional application(s), or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
PCT/CA2006/000772	WIPO	May 12, 2006	Yes
(Number)	(Country)	(Date Filed)	Yes/No
2,507,121	Canada	May 12, 2005	Yes
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to



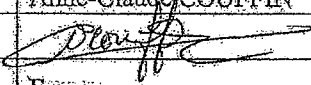
disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application: NONE

(Application Serial No.)	(Filing Date)	(Status)
--------------------------	---------------	----------

(Application Serial No.)	(Filing Date)	(Status)
--------------------------	---------------	----------

I hereby direct that all correspondence and telephone calls be addressed to Michael R. Krawzsenek, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Anne-Claude COUFFIN	
Inventor's Signature:		Date: 02/22/09
Country of Citizenship:	France	
Residence Address: (street, number, city, state, and/or country)	5716 St-Urbain Montréal, Québec H2T 2X3 CANADA	
Post Office Address: (if different from above)		

Inventor's Full Name:	Mohammed BERRADA	
Inventor's Signature:		Date:
Country of Citizenship:	Canada	
Residence Address: (street, number, city, state, and/or country)	2381 Asselin Longueuil, Québec J4M 2M5 CANADA	
Post Office Address: (if different from above)		

Inventor's Full Name:	André LAFOREST	
Inventor's Signature:	<i>André Lafont</i>	Date: Feb 2 2009
Country of Citizenship:	Canada	
Residence Address: (street, number, city, state, and/or country)	1048 Maisonneuve App.1 Longueuil, Québec J4K 5A1 CANADA	
Post Office Address: (if different from above)		

Inventor's Full Name:	Nicolas NOURRY	
Inventor's Signature:	<i>Nicolas Nourry</i>	Date: Feb. 2009
Country of Citizenship:	Canada	
Residence Address: (street, number, city, state, and/or country)	454 Du Mimosa St-Amable, Québec J0L 1N0 CANADA	
Post Office Address: (if different from above)		

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to ARCHER-DANIELS-MIDLAND COMPANY (the "Assignee"), having a place of business at 75, J.-Armand Bombardier, Boucherville, Québec J4B 8P1, Canada, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 10/596,578 which has been filed on **June 16, 2006** and is entitled **"ABSORBENT HYDROPHOBIC BORONATE GLACTOMANNAN COMPLEXES AND PROCESS FOR PRODUCING SAME,"** which is a national phase application under 35 U.S.C. § 371 of international application No. PCT/CA2006/000772 filed May 12, 2006, which claims priority to Canadian Application No. 2,507,121 filed May 12, 2005, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: \_\_\_\_\_

Name: Anne-Claude COUFFIN

Date: 02/02/2009

BEFORE ME, the undersigned authority, on this 2<sup>nd</sup> day of February, 2009, personally appeared Anne-Claude COUFFIN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Witness

D. HORRAT

Signature: \_\_\_\_\_

Name: Mohammed BERRADA

Date: \_\_\_\_\_

BEFORE ME, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_, 2008, personally appeared Mohammed BERRADA, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Witness

Signature: André Lafort  
Name: André LAFOREST

Date: 2 Feb 2009

BEFORE ME, the undersigned authority, on this 2<sup>nd</sup> day of February, ~~2008~~<sup>2009 E.P.</sup>, personally appeared André LAFOREST, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Eudine Rival  
Witness

Signature: Nicolas Nourry  
Name: Nicolas NOURRY

Date: 2 Feb 2009

BEFORE ME, the undersigned authority, on this 2<sup>nd</sup> day of February, ~~2008~~<sup>2009 E.P.</sup>, personally appeared Nicolas NOURRY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Eudine Rival  
Witness

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701

# ASSIGNMENT OF INVENTION

## UNIVERSAL

WHEREAS, I/We 1) Mohammed BERRADA; 2) Anne-Claude COUFFIN-HOARAU; 3) André LAFOREST;

whose full address(es) is/are 1) 12449 Lachapelle, apt. 104, Montréal, Québec, H4J 2N2, Canada; 2) 5716 St-Urbain, Montréal, Québec, H2T 2X3, Canada; 3) 1048 Maisonneuve, apt. 1, Longueuil, Québec, J4K 5A1, Canada;

(hereinafter referred to as the assignor) in consideration of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged and for which a full release and discharge is given have and, by these presents, do hereby sell and assign to LE GROUPE LYSAC INC.

whose full post office address is 75, J.-Armand-Bombardier, Boucherville, Québec, J4B 8P1, Canada

(hereinafter referred to as the assignee), all of my/our rights, titles and interests in each and every country in the world in and to the invention entitled: GALACTOMANNAN HYDROPHOBIC COMPLEXES AS SUPERABSORBENT POLYMERS

as described in the Canadian Patent Application N° 2,507,121 filed on May 12, 2005 with the Canadian Intellectual Patent Office; including without limitation the right to claim, any and all of the benefit(s) of the International Convention relating to priority associated with the said invention and all of my corresponding rights, titles and interests in and to any and all patents, registrations and the like which may issue therefor anywhere in the world including, without limitation, the United States and Canada.

I/We further agree without any payment by said assignee other than expenses incurred by the undersigned, to communicate to said assignee, its representatives or agents, any facts relating to said invention or inventions, including evidence for interference purposes or for other proceedings, whenever requested; testify in any interference, litigation or other proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective, and likewise make these provisions binding upon my/our heirs, legal representatives, administrators and assigns.

I/We hereby authorize the firm of BCF LLP to correct errors in this assignment or to insert any further identification or other information necessary or desirable to make this assignment suitable for recordal.

Le(s) soussigné(s) désire(nt) que la présente cession soit rédigée en anglais. The undersigned request(s) that the present assignment be drafted in English.

IN WITNESS WHEREOF, I/We have hereunto set my/our hand(s) and seal this 28 day of

OCTOBER 2005.

Eddine Berrada

Witness

Berrada

Mohammed BERRADA